

On May 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5195. Adulteration of raw headless shrimp. U. S. v. 4 Barrels of Raw Headless Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9792. Sample No. 8733-F.)

This product consisted of decomposed shrimp.

On April 14, 1943, the United States attorney for the District of Minnesota filed a libel against 4 barrels containing a total of 500 pounds of raw headless shrimp at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 6, 1943, by Joe Grasso & Son from Galveston, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On June 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5196. Adulteration of raw headless shrimp. U. S. v. 2 Barrels of Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9880. Sample No. 28829-F.)

On April 28, 1943, the United States attorney for the Northern District of Georgia filed a libel against 2 100-pound barrels of raw headless shrimp at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 7 and 8, 1943, by the Wallace M. Quinn Co. from Apalachicola, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5197. Adulteration of raw headless shrimp. U. S. v. 1 Barrel of Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9940. Sample No. 35128-F.)

On May 12, 1943, the United States attorney for the Northern District of Georgia filed a libel against 1 barrel containing 125 pounds of raw headless shrimp at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about May 4, 1943, by Reuther's Sea Food Co. from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLAVORS, SPICES, AND SPICE INGREDIENTS

5198. Adulteration of chili pepper. U. S. v. 2 Barrels of Chili Pepper. Default decree of condemnation and destruction. (F. D. C. No. 9722. Sample No. 14641-F.)

On March 27, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 2 230-pound barrels of chili pepper at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 1, 1943, from Los Angeles, Calif., in a pool car for J. A. Knapp of Garden Grove, Calif.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hair fragments, and fragments resembling rodent hairs, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Pioneer's Challenge Brand Chili Pepper Mexican Type."

On April 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5199. Adulteration of chili pods. U. S. v. 20,100 Pounds of Dried Chili Pods. Consent decree of condemnation. Product ordered released under bond to be segregated and brought into conformity with the law. (F. D. C. No. 9090. Sample No. 14704-F.)

Examination of this product showed the presence of moldy peppers.

On December 29, 1942, the United States attorney for the Southern District of California filed a libel against 20,100 pounds of dried chili pods at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 17, 1942, by Sixto Duarte from Las Cruces, N. Mex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On January 12, 1943, the First National Bank of Las Cruces, N. Mex., and S. Duarte & Co., claimants, having admitted the allegations of the libel and

having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to S. Duarte & Co. to be segregated and brought into conformity with the law under the supervision of the Food and Drug Administration. On January 27, 1943, S. Duarte & Co. having sold, transferred, and assigned their interests in the product to Gonzales & Blanco, the latter firm was, by order of the court, substituted as claimant.

5200. Adulteration and misbranding of cinnamon. U. S. v. 52 Cases of Cinnamon. Default decree of condemnation and destruction. (F. D. C. No. 9909. Sample No. 11289-F.)

This product consisted of artificially flavored barley starch granules that had the odor of cinnamon.

On May 7, 1943, the United States attorney for the Northern District of California filed a libel against 52 cases, each containing 24 bottles, of cinnamon at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about March 22, 1943, by the Chicago Food & Spice Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Cinnamon Artificially Flavored 1 Oz. Contains: Processed Cereal and Artificial Flavoring Material."

The article was alleged to be adulterated in that cinnamon had been in whole or in part omitted therefrom, and in that an artificially flavored cereal product had been substituted wholly or in part for "Cinnamon Artificially Flavored" which the article purported and was represented to be.

It was alleged to be misbranded (1) in that the name "Cinnamon" was false and misleading as applied to artificially flavored barley; (2) in that it was an imitation of another food, cinnamon, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Processed Cereal" is not the common or usual name of barley.

On July 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5201. Misbranding of horseradish. U. S. v. 48 Cartons of Horse Radish. Default decree of condemnation and destruction. (F. D. C. No. 10016. Sample No. 33786-F.)

This product contained sulfur dioxide, and its label did not state that fact.

On May 26, 1943, the United States attorney for the Northern District of Ohio filed a libel against 48 cases, each containing 12 bottles, of horseradish at Ashtabula, Ohio, alleging that the article had been shipped in interstate commerce on or about April 28, 1943, by the Taylor Packing Co. from Elmira, N. Y.; and charging that it was misbranded. The article was labeled in part: (Bottles) "Nippy 5 Oz. Avd. Prepared Horseradish * * * Distributed by Blair-Darnall Ashtabula, Ohio."

The article was alleged to be misbranded in that it contained a chemical preservative and failed to bear labeling stating that fact.

On August 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5202. Adulteration and misbranding of mustard. U. S. v. 12 Cases and 35 Cases of Mustard. Default decrees of condemnation and destruction. (F. D. C. Nos. 9499, 9502. Sample Nos. 31892-F, 31894-F, 31896-F.)

This product contained insect fragments and one lot also contained rodent hairs. Portions were short volume, and a portion was labeled "8 ozs" whereas the jars contained approximately 14½ ounces:

On March 7, 1943, the United States attorney for the Southern District of Ohio filed libels against 47 cases, each containing 24 jars, of mustard at Cincinnati, Ohio, consigned on or about September 28 and November 6, 1942, and February 5, 1943, alleging that the article had been shipped in interstate commerce by the Food Specialties, Inc., from Indianapolis, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "1 Pint Newton's Pure Mustard * * * Packed for Newton Mfg. Co. Cincinnati, Ohio," or "Ambassador Contents 1 Pint [or "8 ozs."] Horseradish Style Mustard."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. A portion was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.